



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/683,003

11/07/2001

Shiguang Yu

6601-00

5003

49144

7590

07/24/2006

HARNESS, DICKEY & PIERCE, P.L.C.

7700 BONHOMME

SUITE 400

ST LOUIS, MO 63105

EXAMINER

ART UNIT

PAPER NUMBER

DATE MAILED: 07/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action
After the Filing of an Appeal Brief

Application No.

09/683,003

Examiner

Frank I. Choi

Applicant(s)

YU ET AL.

Art Unit

1616

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The reply filed 10 May 2006 is acknowledged.

1. ☒ The reply filed on or after the date of filing of an appeal brief, but prior to a final decision by the Board of Patent Appeals and Interferences, will not be entered because:

a. ☐ The amendment is not limited to canceling claims (where the cancellation does not affect the scope of any other pending claims) or rewriting dependent claims into independent form (no limitation of a dependent claim can be excluded in rewriting that claim). See 37 CFR 41.33(b) and (c).

b. ☒ The affidavit or other evidence is not timely filed before the filing of an appeal brief.
See 37 CFR 41.33(d)(2).

2. ☐ The reply is not entered because it was not filed within the two month time period set forth in 37 CFR 41.39(b), 41.50(a)(2), or 41.50(b) (whichever is appropriate). Extensions of time under 37 CFR 1.136(a) are not available.

Note: This paragraph is for a reply filed in response to one of the following: (a) an examiner's answer that includes a new ground of rejection (37 CFR 41.39(a)(2)); (b) a supplemental examiner's answer written in response to a remand by the Board of Patent Appeals and Interferences for further consideration of rejection (37 CFR 41.50(a)(2)); or (c) a Board of Patent Appeals and Interferences decision that includes a new ground of rejection (37 CFR 41.50(b)).

3. ☐ The reply is entered. An explanation of the status of the claims after entry is below or attached.

4. ☒ Other: Reference to unentered evidence is not permitted in the brief. See 37 CFR 41.33. – Applicant provides evidence (albeit unsupported evidence) as to what a 20 kg animal would consume, the approximate number of Kcal in pet and similar animal foods, the causes of alopecia and the correlation between hair loss and selenium (Brief (5/10/2006) at pages 6, 9 11). This unsupported evidence was not previously set forth in any prior response and is set for the first time in the appeal brief.


JOHANN RICHTER
SUPERVISORY PATENT EXAMINER
GROUP 16